

PC 5/18/98
3-25-98

Note:

Two of these were sent to Eileen S.
Storries, one from JOHN J. BARRY
and one from URSULA BARRY

Also - 2 to Sen. Gordon Smith (R) OR.

2 to Sen. Ron Wyden (D) OR

And a note to Rep. Peter DeFazio thanking him
FOR sponsoring the initial OFPA

OOP-1211

C8635

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ORGANIC FOODS AND FARMING IN PERIL

Exercise Your Right For Pure And Unadulterated Food

This public comment work sheet on the Proposed Rule allows you to make a direct comment to the Department of Agriculture on many important issues. Just take the time to read the "How the USDA's Proposed Rule Contradicts the Organic Foods Production Act (OFPA)" and circle your response on the right. Complete the back, sign and print your name and return address. We encourage you to make extra copies for both your House and Senate representatives. Fold with the USDA address out, affix stamp and mail. Or slip this work-sheet into your own envelope. With completing and sending this work-sheet you will have made clear to the USDA your position on these issues. Email comments may be sent by contacting www.ams.usda.gov/nop

Please reproduce and circulate. Comments also may be sent by fax to (202) 690-4632. Visit the Organic Farming Marketing Association at <http://www.iquest.net/ofma/> for more detailed information on this and other organic issues.

Docket: TMD-94-00-2	<i>How the USDA's Proposed Rule Contradicts the Organic Foods Production Act (OFPA) of 1990</i> Comments must be received by May 15 1998 <i>APR. 30,</i>	Circle whether the section of the Proposed Rule is:
National List: Sec. 205.22(c)(9), 205.22(c)(5) and 205.13(a)(3), 205.22(c)(6), (c)(11), (c)(1), (d), 205.22(c)(10) and 205.7(c)(2), (iii), 205.22(g), 205.24(b)(c) and (f)	Violates OFPA Section 2105, Section 2118(b), (c)(1)(A) and (B)(i). <i>The proposal allows</i> for the use of categories of active synthetic substances in organic farming like Piperonyl butoxide (a toxic synergist), amino acids used as growth promoters, antibiotics, boric acid and acetic acid used as pesticides, genetically modified substances (GMOs), high soluble synthetic substance to correct a nutrient deficiency, a cation balancing agent like potassium sulfate, cotton defoliant, pest control substances for livestock, nutrients and dietary supplements and feed additives, all synthetic substances that cannot be considered for use under the National List Procedures. (OFPA does not allow consideration of such substances for use in organic crop or livestock farming.)	Unacceptable Acceptable
National List: Sec. 205.14(b) and (b)(1) and (2), 205.22(c)(3), 205.22(f), 205.24(d)	Violates OFPA Section 2118(b). <i>The Proposal allows</i> categorical use in organic farming and livestock production of active synthetic substances like vitamins and minerals, animal drugs and parasiticides, without itemizing by specific use or application as required by OFPA. (OFPA mandates itemization of such possibly allowed substances by specific use or application.)	Unacceptable Acceptable
National List: Sec. 205.20(b)(3)(ii)	Violates OFPA Section 2118(b), (c)(1) and (A) and (B)(ii). <i>The Proposal does not provide</i> for the review, evaluation and inclusion on the National List of synthetic inert substances. The Proposed Rule allows synthetic inert ingredients to be used on organic farms without review for toxicological concern. (OFPA mandates all synthetic inert substances used in organic farming be reviewed, evaluated and included on the National List.)	Unacceptable Acceptable
National List: Sec. 205.2, 205.17(a), and 205.26	Violates OFPA Section 2105 and 2107(b)(1)(C) and 2111(a) and (a)(1) through (4), Section 2118 (b), (c)(1) and (A) and (B)(iii). <i>The Proposal allows</i> for synthetic food additives, processing aids, enzymes and ingredients (incidental additives) in processed foods labeled and sold as organic. (OFPA mandates no synthetic substances may be added during food processing.)	Unacceptable Acceptable
National List: Sec. 205.26	Violates OFPA Section 2105 and 2107(b)(1)(C) and 2111(a) and (a)(1) through (4), Section 2118 (b), (c)(1) and (A) and (B)(iii). <i>The Proposal allows</i> for genetically modified organisms (GMOs) in processed food labeled and sold as organic. (The NOSB recommended no GMOs.)	Unacceptable Acceptable
Definitions: Sec. 205.2 defined, 205.3(b)(2), 205.7(c) 205.17(a), sec, 205.13(a)(3), 205.7(b)(4) 205.28(a)(4)(i) 205.20(b)(2), 205.16(2)(iii)	Violates OFPA. <i>The Proposed Rule creates</i> new definitions, categories, criteria and exceptions that would allow wide use of synthetic substances in organic farming and processing of organic foods. The new terms defined in the Proposed Rule that are meant to circumvent OFPA are: "non-synthetic," "incidental additive," "synthetic amino acid additives," "non-active residue," "non-agricultural ingredient", "non-organic agricultural ingredient or product", "active ingredient in any input other than pesticide formulations", "inert ingredient in any input other than pesticide formulations". The use of these and terms in the Supplementary Information of "inconsequential additives", "extraneous additives" and "unintentional additives" as acceptable in organic farming and handling indicates the Department does not support existing organic farming, processing and handling standards.	Unacceptable Acceptable
National List: Sec. 205.22, 205.24 and 205.26	Violates the authority and role mandated by OFPA, Section 2104(c) and 2118(d)(1) and (2), 2119(a), (k), (1) and (2), (L). <i>The Department usurped</i> the National Organic Standards Board's responsibilities and powers to limit USDA consideration of allowed and prohibited substances for inclusion on the National List by adding never considered active synthetic substances in farming and by adding NOSB rejected substances like "ionizing radiation," "biosolids" (sewage sludge) and GMOs to the Proposed National List.	Unacceptable Acceptable

National List: Sec. 205.1-1(b), (b)(1) and (b)(2), 205.24(d)	Violates OFPA Section 2118(b), (c)(1)(A) and (B)(i). <i>The Proposal allows</i> the use of any kind of synthetic medicines, antibiotics and parasiticides on meat producing animals, poultry and dairy animals from birth and through all stages of growth that are not itemized on the Proposed National List for specific use or application. (OFPA mandates that only specific synthetic substances may be considered for use on livestock, itemized by specific use or application.)	Unacceptable Acceptable
Livestock: Sec. 205.13(a)(1) and (a)(1)(i)	Violates OFPA Section 2110(a), (c)(1), (e)(1) and (2). <i>The Proposal allows</i> the feeding of 20% non-organically produced feed to livestock raised for "organically produced" meat, dairy and egg production. Such feed could be from GMO plant material or their derivatives. (OFPA mandates 100% organically produced feed for livestock products labeled and sold as "organic.")	Unacceptable Acceptable
Livestock: Sec. 205.13(a)(1)(iii)	Violates OFPA Section 2110(e)(2). <i>The Proposal allows</i> feeding dairy animals organically produced feed for only 3 months prior to producing milk and dairy products labeled and sold as organic. (OFPA mandates 12 months of organically produced feed before selling organic milk.)	Unacceptable Acceptable
Livestock: Sec. 205.15(b)	Violates OFPA Section 2110(d)(2), (h). <i>The Proposal allows</i> for perpetual and intensive confinement of organically raised livestock. Such confinement does not allow adequate space for movement and access to the outdoors. (The NOSB recommended the opposite.)	Unacceptable Acceptable
Labeling: Sec. 205.16, 205.26, 205.28(c)(3)	Violates OFPA Section 2106(c)(1) and (2). <i>The Proposal does not provide</i> an exemption from certification requirements of the Act when using the term "made with (certain) organic ingredients." (OFPA mandates such an exemption.)	Unacceptable Acceptable
Certification: Sec. 205.201(a)	Violates OFPA Section 2106(a)(1)(A) and (B), 2107(a)(1)(A) and (B) and (2) and (5). <i>The Proposal provides</i> an exemption from certification for handling operations that contract to process, package and store certified organic products that work for no more than three certified operations. (OFPA mandates every "organic" handling operation must be certified.)	Unacceptable Acceptable
Certification: Sec. 205.202(b)(2) and (3)	Violates OFPA Section 2103(10), Section 2106(a)(1)(A) and (B), 2107(a)(1)(A) and (B) and (2) and (5). <i>The Proposal provides</i> an exemption from certification for restaurants and retail establishments, that process products and sell those products as "organically produced." (OFPA mandates every "organic" handling operation must be certified.)	Unacceptable Acceptable
Definition: Sec. 205.2	Violates OFPA Section 2103(4) and (5), 2104(d). <i>The Proposal creates</i> a new category of certification, the "certified facility." By allowing buildings to be certified rather than "farms," perpetual and intensive livestock confinement will be allowed in organic farm production. (OFPA calls for certifying all participating farms and handling operations, not "facilities.")	Unacceptable Acceptable
National List: Sec. 205.28	Violates OFPA Section 2103(12), 2105(1), (2), 2118 and 2119. <i>The Proposal does not review</i> active synthetic substances in conformance to OFPA; does not include the class of synthetic inert substances on the National List contradictory to OFPA's mandate; does not conform to the OFPA mandate to only allow the use of non-synthetic, but not organically produced substances in up to 5% of processed organic foods, if they are petitioned and included on the National List.	Unacceptable Acceptable
Compliance: Sec. 205.430(a)	Violates Section 2105. <i>The Proposal relies</i> on costly residue testing for synthetic substances rather than conforming to OFPA which utilizes a system of farming that prohibits any use of synthetic substances that are not properly placed on the National List. The Proposal allows organic crops subject to synthetic pesticide drift from neighboring farms to be sold as "organically produced."	Unacceptable Acceptable
Fees: Sec. 205.421, 205.422	Violates OFPA Section 2107(a)(10). <i>The Proposal discourages and does not promote organic family farming and small businesses</i> by proposing to charge unreasonable and excessive fees either forcing the price of organic products higher or the certified farm or handling operation to pay more out of net profit. (OFPA mandates "reasonable fees" for all participants in the Program.)	Unacceptable Acceptable

Signature:

John J. Barry

Date: 3-25-98

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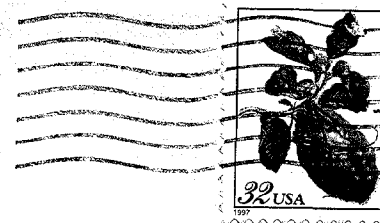
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